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Civil Action No. 5:12-CV-0827
7/20/13

There are three recordings which Plaintiff Martin Hill recorded with his cellphone on November 10, 2010. The first was an **audio** recording of the interaction between Defendant Yolanda Aguinaga and Plaintiff Martin Hill. Verizon, the Plaintiff's cellphone and internet provider, automatically labels these cellphone recordings as to the time and date they are recorded and saved to the phone. The first audio with Aguinaga was automatically saved as '1110101931a' wav file and is 1:21 in length. (This means Nov. 10, 2010 at 7:31pm.)

The second recording is a **video** recording of the interaction between Defendant Marmor and Plaintiff Martin Hill, taken with Plaintiff's cell phone and is 20 seconds in length.

The third recording taken is an **audio** recording of the continued interaction between Defendant Marmor and Plaintiff Martin Hill, and is 3:28 in length. This recording was saved by Verizon as "1110101934a" wave file. This means 11/10/10 at 7:34pm.

The 20 second **video** recording between Marmor and Hill was uploaded directly to Plaintiff's youtube account **freedommv1** from Plaintiff's cellphone on November 19, 2010. Here is the data of the three youtube videos:

Texas State Trooper threatens arrest of driver for not showing ID

<http://www.youtube.com/watch?v=BznROIY3RLI>

freedommv1

3,094 views as of July 20, 2013

Uploaded on Nov 19, 2010

:20 seconds in length

The **audio** of Plaintiff's interaction with Defendant Aguinaga was placed into a video using "Windows Movie Maker" and uploaded to youtube on November 21, 2010. It can be found here:

Off Duty Driver refuses to show ID to Texas DOT inspector

<http://www.youtube.com/watch?v=kjiabcVAdgU>

freedommv1

6,679 views as of July 20, 2013

Uploaded on Nov 21, 2010

:54 seconds in length

The **audio** of Plaintiff's continued interaction with Defendant Marmor was placed onto a video using 'Windows Movie Maker' and uploaded to youtube on November 21, 2010. It can be found here:

Civil Rights claim filed against Texas Trooper- Do not wake up sleeping trucker

<http://www.youtube.com/watch?v=jNiQFcVhnOY>

freedommv1

5,075 views as of July 20, 2013

Uploaded on Nov 21, 2010

3:12 in length

The three videos have remained on the Plaintiff's computer and have been on youtube.com since November 19, 2010 and November 21, 2010 respectively, and are the same recordings referred to by Sergeant Chris McGuairt, CVE, Devine in the 'DEPARTMENT OF PUBLIC SAFETY INTEROFFICE MEMORANDUM' dated 12/9/10.

Also included on the DVD disk are the two original unedited audio WAV files from the cell phone of Plaintiff's interaction with Defendant Auginana "1110101931a", 1:21 in length; and Plaintiff's interaction with Defendant Marmor "1110101934a", 3:28 in length.

The reason that the interaction with Defendant Marmor was recorded in two separate segments, initially video and then audio, is because Plaintiff's cellphone had been set at default mode to stop recording video at :20 seconds. When the video stopped recording automatically, therefore, the Plaintiff Hill then resumed recording of Plaintiff's interaction with Defendant Marmor in audio mode only, on his Verizon cellular phone. This resulted in the audio recording of 3:28 in length.

The two separate audio files "1110101931a", 1:21 in length and "1110101934a", 3:28 in length were each sent separately from Plaintiff Hill's Verizon cellular phone number 909-921-3021 to his personal Hotmail e-mail account, libertyhill@live.com on Friday, 11/19/10 at 8:56 PM. Included are copies of those e-mails.

Following are the three transcripts.

The first is the audio recording with Defendant Yolanda Aguinaga, 'DOT inspector'.

TRANSCRIPT #1

Hill: Hi ma'am

Aguinaga: Is your CDL in there?

Hill: No, I didn't know what you wanted me to wake up for. You know I'm-

Aguinaga: I just wanted your CDL.

Hill: Oh okay. Is that..

Aguinaga: Do you have it with you?

Hill: Of course I do, but I have a question first. I'm an American. You know, right?

Aguinaga: Okay

Hill: This is Texas, right?

Aguinaga: Yes.

Hill: Why did you wake me up when I'm off duty, I'm in the sleeper?

Aguinaga: I don't know why he woke you up, I just asked him to get your drivers' license.

Hill: He doesn't have my drivers' license, I have it in my pocket.

Aguinaga: Okay.

Hill: So he has to, by definition, wake me up to get it.

Aguinaga: Okay.

Hill: I'm asking why – What-

Aguinaga: Because I asked him to get it from you.

Hill: Is that a legal demand or a request?

Aguinaga: It is a request.

Hill: Okay. Uh, I'm not driving, I'm not even-

Aguinaga: That's Correct.

Hill: Okay. Uh, if it's a request, I'm refusing.

Aguinaga: Okay. That's fine.

Hill: Buh-bye.

(original full audio only portion also includes:)

Hill: There you go.

Hill: Ha ha ha, fuck you, man.

Hill: That's it.

END TRANSCRIPT #1

The second transcript is the short video recorded conversation with Trooper Marmor.:

TRANSCRIPT #2:

Hill: "Okay sir, uh, your partner just told me that it's a request, not a demand. She said..

Marmor: It's not a- Let Let Let me stop you right there.

Hill: Yes sir. I'm an American, I'm a Constitutionalist libertarian, now I suggest..

Marmor: See...

Hill: I'm gonna obey orders..

Marmor: No sir.

Hill: Pardon me?

Marmor: If you fail to ID, then you can go the other route.

Hill: What's that?

Marmor: When a peace officer requests your ID, and you're in a commer-

END TRANSCRIPT #2

The third transcript is the continued conversation with Trooper Marmor:

TRANSCRIPT #3:

Hill: Mmm hmm.

Marmor: So I mean, I don't know how far you want to take it- But in

Texas, if you fail to ID, that's a jailable offense.

Hill: Right. That's why I – I asked her specifically- first of all she wasn't a police officer, so that doesn't even apply to you. You're different positions right?

Marmor: Right.

Hill: Okay.

Marmor: She's an inspector.

Hill: Right.

Marmor: But when, when the Federal Motor Carrier stuff- when you're in the vehicle, and you're being inspected, and- Your log book is off limits. I mean, if you're not driving,

Hill: Right.

Marmor: Unless you're sitting up here.

Hill: Right.

Marmor: If you're in the sleeper berth, then sure, we don't have any right to ask for your logbook, but we damn sure can ID you.

Hill: You have a right to wake up the person in the sleeper?

Marmor: Yes we do.

Hill: Oh. Okay. Does she or do you?

Marmor: She does too.

Hill: Oh okay.

Marmor: She can enforce the Federal Motor Carrier laws

Hill: Uh huh,

Marmor: But uh, as far as state law goes, you know that's part of the Penal Code.

Hill: Right, right.

Marmor: I don't know what you all call it in California

Hill: Vehicle code.

Marmor: Well, vehicle code, is probably for traffic, but

Hill: Right.

Marmor: But we're talking about criminal law.

Hill: Oh, okay. Penal Code.

Marmor: So uh, I don't know what it is in California but in Texas, when we have a vehicle stop,

Hill: Uh huh,

Marmor: We ID everybody in the vehicle.

Hill: Okay.

Marmor: You know. Truck drivers, everybody.

Hill: Okay.

Marmor: Because I mean we get a lot of people that are wanted.

Hill: Uh huh.

Marmor: Uh, we get runaways, and- of course you're not a runaway. But I mean we get juveniles and stuff like that that are runaways. So it's a common practice for us to ID everybody in the vehicle.

Hill: Okay.

Marmor: That cuts out 'well why'd you ID me and, you know, uh the last two vehicles you didn't ID everybody in the vehicle for'. We ID everybody.

Hill: Uh huh.

Marmor: If we stop you, everybody's getting out.

Hill: Mmm Hmm.

Marmor: Okay.

Hill: Okay.

Marmor: Does that make sense?

Hill: Yeah it makes sense.

[----Undetermined: "Yeah" "no problem""All right."]

Hill: So this is a demand, not a request, is what you, you're saying?

Marmor: I'm telling you.

Hill: Oh.

Marmor: That you have to ID.

Hill: Alright. That's fine. Anyway that's different than what she says, as, as not a peace officer. So you're the peace officer; so the the fed – The fed tells the local cop to demand my ID, and that's how it works?

Marmor: No.

Hill: Okay you just said she couldn't demand it though. I gave it to you though.

Marmor: No.

Hill: But.. I mean...

Marmor: The federal have inspectors, that are civilian inspectors.

Hill: Mmm Hmm.

Marmor: We're out here to enforce the federal laws and also state law.

Hill: Right.

Marmor: Okay. Now Texas has a policy with when inspectors are working this site

Hill: Uh huh

Marmor: Then we will have a trooper out here-

Hill: To back them up.

Marmor: To work the site as well. They will now work; and I think that some states the civilians do the DOT stuff too.

Hill: Uh huh.

Marmor: Uh, the only civilian aspect of it is if the scale is fixed scale site and uh, a trooper will always be there with them.

Hill: Right.

Marmor: So.

Hill: Just like CPS when they take the kids, the cop's there with the gun to back up the little, the little bureaucrat, right?

Marmor: Hang on.

Hill: Alright.

Marmor: You're not wanted or anything, are you?

Hill: Not that I know of.

Marmor: Okay.

END TRANSCRIPT #3